

**COPY**  
**Original Filed**

**JAN 29 2021**

**Timothy W. Fitzgerald**  
**Spokane County Clerk**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SPOKANE

SHAWN D. CRANFORD,

Plaintiff,

vs.

SPOKANE COUNTY, a political subdivision  
of the State of Washington; SPOKANE  
COUNTY DETENTION SERVICES; CO  
RILEY; CO THOMAS; CO NEJERA; JOHN  
DOES 1-10; STATE OF WASHINGTON;  
WASHINGTON STATE PATROL; and  
TROOPER CHRISTOPHER BRUNER;

Defendants.

NO.

**21200247-32**

SUMMONS

TO THE DEFENDANTS: SPOKANE COUNTY, a political subdivision of the State  
of Washington; SPOKANE COUNTY DETENTION  
SERVICES; CO RILEY; CO THOMAS; CO NEJERA;  
JOHN DOES 1-10; STATE OF WASHINGTON;  
WASHINGTON STATE PATROL; and TROOPER  
CHRISTOPHER BRUNER;

A lawsuit has been started against you in the above-entitled Court by Shawn  
D. Cranford, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of  
which is served upon you with this summons.

SUMMONS - 1

**COPY**

HESTER LAW GROUP, INC., P.S.  
1008 SOUTH YAKIMA AVENUE, SUITE 302  
TACOMA, WASHINGTON 98405  
(253) 272-2157

1 In order to defend against this lawsuit, you must respond to the complaint by  
2 stating your defense in writing, and by serving a copy upon the person signing this  
3 summons within twenty (20) days after the service of this summons, excluding the  
4 day of service if served within the State of Washington, or within sixty (60) days if  
5 served outside of the State of Washington, excluding the day of service, or a default  
6 judgment may be entered against you without notice. A default judgment is one  
7 where plaintiff is entitled to what he asks for because you have not responded. If you  
8 serve a notice of appearance on the undersigned person, you are entitled to notice  
9 before a default judgment may be entered.

10 You may demand that the plaintiff file this lawsuit with the court. If you do so,  
11 the demand must be in writing and must be served upon the person signing this  
12 summons. Within fourteen (14) days after you serve the demand, the plaintiff must  
13 file this lawsuit with the court, or the service on you of this summons and complaint  
14 will be void.

15 If you wish to seek the advice of an attorney in this matter, you should do so  
16 promptly so that your written response, if any, may be served on time.

17 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of  
18 the State of Washington.

19 DATED this 27th day of January, 2021.

20  
21 HESTER LAW GROUP, INC., P.S.  
22 Attorneys for Plaintiff

23  
24 By: 

25 Brett A. Purtzer  
WSB #17283

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Defendants.

NO.

**21200247-32**

COMPLAINT FOR DAMAGES

COMES NOW the plaintiff Shawn D. Cranford by and through his  
attorney Brett A. Purtzer of the Hester Law Group, Inc., P.S., and for a cause of  
action, states as follows:

**I. PARTIES AND JURISDICTION**

1.1 That at all times relevant hereto, plaintiff has been a resident  
of Spokane Valley, Spokane County, Washington.

1.2 All acts complained of occurred in Spokane County,  
Washington.

COMPLAINT FOR DAMAGES - 1

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1                   1.3     The defendant Spokane County is a political subdivision of  
2 the State of Washington authorized to do business in the State of Washington.  
3 At all relevant times it employed detention corrections officers and other  
4 employees within Spokane County Detention Services including defendants CO  
5 Riley, CO Thomas, CO Nejera and John Does 1-10.

6                   1.4     The defendant Spokane County Detention Services is an  
7 agency of Spokane County. At all relevant times it employed detention  
8 corrections officers within Spokane County Detention Services including  
9 defendants CO Riley, CO Thomas, CO Nejera and John Does 1-10.

10                  1.5     Defendant CO Riley is and at all times relevant has been a  
11 detention corrections officer or other employee employed by Spokane County  
12 and/or Spokane County Detention Services. All acts complained of against  
13 defendant CO Riley were performed in his individual capacity, and in his capacity  
14 as a detention corrections officer or other employee within Spokane County  
and/or Spokane County Detention Services.

15                  1.6     Defendant CO Thomas is and at all times relevant has been  
16 a detention corrections officer or other employee employed by Spokane County  
17 and/or Spokane County Detention Services. All acts complained of against  
18 defendant CO Thomas were performed in his individual capacity, and in his  
19 capacity as a detention corrections officer or other employee within Spokane  
20 County and/or Spokane County Detention Services.

21                  1.7     Defendant CO Nejera is and at all times relevant has been a  
22 detention corrections officer or other employee employed by Spokane County  
23 and/or Spokane County Detention Services. All acts complained of against  
24 defendant CO Nejera were performed in his individual capacity, and in his  
25 capacity as a detention corrections officer or other employee within Spokane  
County and/or Spokane County Detention Services.

1                   1.8     Defendants John Does 1-10 are and at all times relevant  
2 have been detention corrections officers or other employees employed by  
3 Spokane County and/or Spokane County Detention Services. All acts  
4 complained of against defendants John Does 1-10 were performed in  
5 his/her/their individual capacity, and in his/her/their capacity as detention  
6 corrections officer or other employees within Spokane County and/or Spokane  
7 County Detention Services.

8                   1.9     Defendant State of Washington, through its agencies such  
9 as the Washington State Patrol, is responsible for law enforcement on interstate  
10 and state highways in the State of Washington. At all times it employed troopers  
11 within the Washington State Patrol including defendant Christopher Bruner.

12                   1.10    Defendant Washington State Patrol is an agency of the State  
13 of Washington. At all times it employed troopers within the Washington State  
14 Patrol including defendant Christopher Bruner.

15                   1.11    Defendant Christopher Bruner is, and at all times relevant  
16 has been, a trooper employed by defendants State of Washington and/or  
17 Washington State Patrol. All acts complained of against defendant Christopher  
18 Bruner were performed in his individual capacity, and in his capacity as a trooper  
19 for defendants State of Washington and/or Washington State Patrol.

20                   1.12    The Court has jurisdiction over the subject matter and the  
21 parties hereto.

22                   1.13    Venue is properly placed in Spokane County, Washington  
23 since it is the county in which the cause of action arose pursuant to RCW  
24 4.92.010(1).

## 25                   **II. COMPLIANCE WITH RCW 4.96.020 AND 4.92.100**

                  2.1     That the plaintiff has complied with all requirements of RCW  
4.96.020 by serving a Spokane County Claim For Damages Form on Spokane

1 County on November 25, 2020. More than sixty days have elapsed between the  
2 service of the claim for damages form and the filing of the complaint commencing  
3 this case.

4 2.2 That the plaintiff has complied with all requirements of RCW  
5 4.92.100 by serving a Washington State Tort Claim Form on the State of  
6 Washington on November 24, 2020. More than sixty days have elapsed  
7 between the service of the Tort Claim Form and the filing of the complaint  
8 commencing this case.

### 9 **III. FACTUAL ALLEGATIONS**

10 3.1 On December 2, 2018 plaintiff was pulled over for driving the  
11 wrong way on a one-way street by Officer William Workman with the Spokane  
12 Police Department.

13 3.2 Defendant Bruner took over for Officer Workman and spoke  
14 with plaintiff at the scene. He administered field sobriety tests. Plaintiff informed  
15 defendant Bruner that he wanted to speak with his attorney. Plaintiff was not  
16 permitted to speak with his attorney, was handcuffed and put in the Trooper's  
17 patrol car and arrested for DUI. Defendant Bruner started to read plaintiff his  
18 Miranda warnings but did not finish the warnings.

19 3.3 Defendant Bruner drove plaintiff into downtown Spokane and  
20 put him in a room off the garage of the Public Safety Building. Plaintiff continued  
21 to ask for his attorney. He was never asked to do a breathalyzer or blood test by  
22 defendant Bruner or anyone else. He was put back in the patrol car and driven  
23 through a tunnel and to another door and taken to the booking area.

24 3.4 There were a lot of officers in the booking area identified  
25 above as defendants John Does 1-10, defendant CO Riley and/or defendant  
Christopher Bruner. Plaintiff was smashed into the wall by defendant  
Christopher Bruner, defendant CO Riley or by John Does 1-10. Plaintiff was



1 slammed into the wall again, his face was pushed into the ground and his arms  
2 were pulled up above and behind him by defendants Christopher Bruner, CO  
3 Riley and/or John Does 1-10. Plaintiff was walked down the hall with his face  
4 practically dragging on the ground and his arms pulled up behind him.

5 3.5 Plaintiff was taken to another room and put on his knees.  
6 Defendants Christopher Bruner, CO Riley and/or John Does 1-10 jumped him,  
7 yanked his feet from under his knees, pounded on him and kneed him in the  
8 face.

9 3.6 Plaintiff's shoes and pants were taken, the handcuffs were  
10 removed and plaintiff was left alone in the room. He kept yelling, "I can't breathe"  
11 and that he needed help. He was left alone in the cell and was not provided  
12 assistance for approximately eleven hours.

13 3.7 When plaintiff was finally helped by a female nurse he was  
14 taken out of the cell and checked for injuries. He was then taken to the hospital  
15 by defendants Detention Corrections Officers, Thomas and Nejera.

16 3.8 When asked what happened by hospital staff either  
17 defendant Thomas and defendant Nejera told staff that plaintiff came in drunk  
18 and fell, and kept interrupting plaintiff when plaintiff tried to tell the hospital staff  
19 what really happened. Plaintiff told the hospital staff that what defendants  
20 Thomas and Nejera were saying was not true.

21 3.9 Plaintiff was taken back to the Spokane County Detention  
22 Center and was not released until the evening of December 4, 2018.

23 3.10 As a result of the DUI arrest, plaintiff lost both his personal  
24 license and his CDL, which caused him to lose his job in June 2020. He has not  
25 worked since.

3.11 In early January, 2019, a request was made to Spokane  
County Detention Services by plaintiff's attorney for a "copy of any and all

1 photographs and audio/video records of Mr. Cranford while he was in custody at  
2 the Spokane County Jail". On January 14, 2019, a letter was received from  
3 Donna Sawtelle at Spokane County Detention Services indicating a signed  
4 waiver from Mr. Cranford or a court order was required before they could release  
5 records and that they considered the request "closed".

6 3.12 On January 18, 2019, a letter was sent by plaintiff's attorney  
7 disputing that a waiver was required and requesting that the records either be  
8 provided or preserved until a release could be obtained. This should have been  
9 considered an "appeal".

10 3.13 On January 30, 2019, medical and general releases were  
11 provided to Records, Spokane County Detention Services again requesting a  
12 copy of the requested materials.

13 3.14 On February 5, 2019, a letter was received from Donna  
14 Sawtelle at Spokane County Detention Services indicating that "we no longer  
15 have these recordings. By way of further explanation, per Washington State  
16 Records Retention Schedule (DAN #LE15-01-64 Rev1) and "these recordings  
17 were destroyed."

18 3.15 However, pursuant to the Washington State Records  
19 Retention Schedule #LE15-01-63 Rev1, the records should not have been  
20 destroyed until the appeals process was exhausted.

21 3.16 The failure to maintain all records and destruction of such  
22 records constitutes spoliation of evidence.

#### 23 **IV. TORTIOUS CONDUCT AND PROXIMATE CAUSE**

24 4.1 Plaintiff realleges and incorporates by reference paragraphs  
25 1.1 through 3.16.



1                   4.2     That defendants' actions, through its employees, caused  
2 plaintiff great alarm, surprise, and emotional distress and caused plaintiff to  
3 sustain injuries to his person.

4                   4.3     As a direct and proximate result of defendants' conduct,  
5 plaintiff sustained and experienced, and continues to experience, humiliation,  
6 emotional distress and pain and suffering, medical expenses, lost wages and  
7 loss of earning capacity in an amount to be proven at trial, and did incur  
8 expenses, including legal fees, in connection with this matter.

9                   4.4     The hereinabove described actions and omissions, engaged  
10 in under color of state law by the defendants, deprived plaintiff of rights secured  
11 to him by the Constitution of the United States, including, but not limited to,  
12 plaintiff's Fourth Amendment right to be free from an unlawful seizure of his  
13 person and his Fifth and Fourteenth Amendment rights to privacy and due  
14 process of law, in violation of 42 U.S.C. §1983.

15                   4.5     The hereinabove described actions and omissions also  
16 constitute intentional and negligent infliction of emotional distress under the laws  
17 of the State of Washington.

18                   4.6     The hereinabove described actions and omissions also  
19 constitute the torts of false or illegal arrest, assault, negligence and personal  
20 injury.

21                   4.7     That these physical, mental and emotional injuries were  
22 proximately caused by defendants' negligent conduct.

23                   4.8     That as a direct and proximate result of defendants'  
24 negligent acts, plaintiff has suffered general and special damages in an amount  
25 to be proven at time of trial.

                  4.9     Plaintiff has suffered damage and injury, which are  
continuous and on-going, which have been proximately caused by defendants'

1 conduct complained of above, including, but not limited to psychological damage  
2 and personal injury.

3 **V. CAUSES OF ACTION**

4 Plaintiff realleges each of the preceding paragraphs as though fully  
5 set forth in the following causes of action:

6 5.1 42 U.S.C. §1983. By the actions of all defendants, plaintiff  
7 has been deprived of federally protected rights including his constitutional rights  
8 under the Fourth, Fifth and Fourteenth Amendments to the United States  
9 Constitution, under color of state law, in violation of 42 U.S. C. §1983.

10 5.2 Intentional and Negligent Infliction of Emotional Distress.  
11 The aforesaid acts of defendants, and each of them, constitute the torts of  
12 intentional and negligent infliction of emotional distress against plaintiff.

13 5.3 Assault and Battery. The aforesaid acts of defendants  
14 constitute the tort of assault and battery upon plaintiff.

15 5.4 False or Illegal Arrest. The aforesaid acts of defendants  
16 constitute the tort of false or illegal arrest against plaintiff.

17 5.5 Negligence. The aforesaid acts of defendants constitute the  
18 tort of negligence against plaintiff.

19 WHEREFORE, plaintiff prays for the following relief, jointly and  
20 severally, against all defendants:

21 1. Award plaintiff actual, special, general and compensatory  
22 damages in an amount to be determined at trial;

23 2. Award plaintiff punitive damages against defendants Bruner,  
24 CO Riley, CO Thomas, CO Najera and John Does 1-10 in their individual  
25 capacities, in an amount to be determined at trial;

3. Award plaintiff his costs and attorney fees pursuant to 42  
U.S.C. §1983; and,

1                   4.     Award such other and further relief as may be deemed just  
2 and equitable.

3                   DATED this 27th day of January, 2021.

4                   HESTER LAW GROUP, INC., P.S.  
5 Attorneys for Plaintiff

6  
7 By: 

8                   Brett A. Purtzer  
9                   WSB# 17283  
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